

To the Honorable Council City of Norfolk, Virginia

October 13, 2015

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special exception for the operation of a microbrewery at 2409 Bowden's Ferry Road -

The Bold Mariner Brewing Company

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

١.

Marcus D. Jones, City Manager

Item Number:

R-3

Staff Recommendation: Approval.

II. Commission Action: By a vote of 7 to 0, the Planning Commission recommends Approval.

III. Request: Special exception – microbrewery

IV. Applicant: Michael Stacks

V. Description:

- Granting this request will allow a new business, Bold Mariner Brewing Company, to operate a microbrewery within an existing warehouse.
- The applicant will sell alcoholic beverages for on and off-premises consumption, but will not provide entertainment.

	Proposed
Hours of Operation	7:00 a.m. until 2:00 a.m. seven days a week
Hours for the Sale of Alcoholic Beverages for On-Premises Consumption	10:00 a.m. until 2:00 a.m. seven days a week
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	10:00 a.m. until 12:00 a.m. seven days a week
Capacity	46 seats indoors 24 seats outdoors 94 total capacity

Staff point of contact: Chris Blough at 664-6771, christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated September 24, 2015 with attachments
- Proponents and Opponents
- Ordinances



Planning Commission Public Hearing: September 24, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough CB

Staff Report	Item No.C-2		
Address	2409 Bowdens Ferry Road, Suite A		
Applicant	The Bold Mariner B	The Bold Mariner Brewing Company	
Request	Special Exception	Microbrewery	
Property Owner	Michael Stacks		
Site Characteristics	Site Area/Building	21,282/4,562 sq. ft.	
	Zoning	I-1 (Limited Industrial District)	
	Neighborhoods	Lamberts Point	
	Character District	Traditional	
Surrounding Area	North	R-8: Single-Family Homes	
	East	I-3: Dubin Metals INC	
	South	OSP	
	West	I-1: Vacant Land	



A. Summary of Request

- Granting this request will allow a new business, Bold Mariner Brewing Company, to operate a microbrewery within an existing warehouse.
- The applicant will sell alcoholic beverages for on and off-premises consumption, but will not provide entertainment.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as industrial.

C. Zoning Analysis

i. General

The uses are permitted in the I-1 district by special exception.

	Proposed
Hours of Operation	7:00 a.m. until 2:00 a.m. seven days a week
Hours for the Sale of Alcoholic Beverages for On-Premises Consumption	10:00 a.m. until 2:00 a.m. seven days a week
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Capacity	46 seats indoors 24 seats outdoors 94 total capacity

ii. Parking

- The site is located in the Traditional Character District, which requires one parking space per 850 square feet of enclosed building area for industrial uses.
 - The 10,000 square-foot proposed space must provide 12 parking spaces.
- The Zoning Ordinance promotes the reuse of existing buildings throughout the City by acknowledging all buildings constructed prior to 1992 as being vested from the basic parking minimum parking requirement of 1 space per 250 square feet. Therefore, this facility is vested for 40 parking spaces.
- The site currently provides 5 parking spaces and therefore complies with current parking requirements.

iii. Flood Zone

- The property is located in the X, X (Shaded), and AE Flood Zones.
- The portion of the property in the AE Flood Zone has a required Base Flood Elevation (BFE); any development of the property will have to be elevated, or flood-proofed, to the BFE plus three feet of freeboard.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this industrial use will generate 70 new vehicle trips.

E. Impact on the Environment

There were 6 calls for service for this site over the past year, with no arrests made.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed microbrewery should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Lamberts Point Civic League on July 15.

I. Communication Outreach/Notification

- Legal notice was posted on the property on July 14.
- Letters were mailed to all property owners within 300 feet of the property on August 12.
- Legal notification was placed in *The Virginian-Pilot* on August 13 and August 20.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 2:00 a.m. seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages for on-premises consumption shall be from 10:00 a.m. until 2:00 a.m. seven days a week

- (c) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 10:00 a.m. until 12:00 midnight seven days a week.
- (d) The seating for the establishment shall not exceed 46 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 94 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (e) There shall be no entertainment, no dancing, and no dance floor provided, except as may be authorized by a special exception permitting the operation of an entertainment establishment granted to the same operator as holds this special exception.
- (f) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) No alcoholic beverages other than beer, ale, or other fermented malt beverages shall be sold.
- (i) The only alcoholic beverages that may be sold for off-premises consumption are those produced on site.
- (j) No alcoholic beverage having more than 21% alcohol by volume shall be sold for off-premises consumption.

- (k) No beer shall be sold in any package containing fewer than four (4) bottles or cans with the exception of fillable or refillable containers of at least 32 oz. capacity, with the exception of those bottled craft beers which are exclusively produced in bottles greater than 12 ounces but less than 32 ounces in size.
- (I) The facility shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (n) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (p) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (q) The site shall be developed substantially in accordance with the conceptual site plan attached hereto and marked "Exhibit A," as prepared by Clark Nexsen, dated September 11, 2015, subject to any required revisions made during the City's Site Plan Review or building permit plan review processes.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notice to the Lamberts Point Civic League

Proponents and Opponents

Proponents

Michael Stacks – Applicant 2409 Bowdens Ferry Road, Suite A Norfolk, VA 23508

Opponents

None

09/24/2015 lds

Form and Correctness Approved

By Office of the City Attorney

Contents Approved:

By Jemon M. Newamber

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A MICROBREWERY KNOWN AS "BOLD MARINER BREWING COMPANY" ON PROPERTY LOCATED AT 2409 BOWDENS FERRY ROAD, SUITE A.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a microbrewery known as "Bold Mariner Brewing Company" on property located at 2409 Bowdens Ferry Road, Suite A. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 231 feet, more or less, along the western line of Bowdens Ferry Road, 68 feet, more or less, along the southern line of an unimproved portion of West 25th Street, and 105 feet, more or less, along the northern line of an unimproved portion of West 24th Street; premises numbered 2409 Bowdens Ferry Road, Suite A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverage for on-premises consumption shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The hours of operation for the sale of alcoholic beverage for off-premises consumption shall be limited to 10:00 a.m. until 12:00 midnight, seven

days per week.

- (d) The seating for the establishment shall not exceed 46 seats indoors, 24 seats outdoors, and the total occupant capacity, including employees, shall not exceed 94 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (e) No smoking shall be permitted anywhere in the outdoor dining area.
- (f) There shall be no entertainment, no dancing, and no dance floor provided, except as may be authorized by a special exception permitting the operation of an entertainment establishment granted to the same operator as holds this special exception.
- (g) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (h) The site shall be developed substantially in accordance with the conceptual site plan attached hereto and marked "Exhibit B," as prepared by Duane S. Jones, dated September 11, 2015, subject to any required revisions made during the City's Site Plan Review or building permit plan review processes.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception

must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) No alcoholic beverages other than beer, ale, or other fermented malt beverages shall be sold.
- (k) The only alcoholic beverages that may be sold for off-premises consumption are those produced on site.
- (1) No alcoholic beverage having more than 21% alcohol by volume shall be sold for off-premises consumption.
- (m) All beer sold for off premises consumption shall be in a package containing a minimum of four (4) bottles or cans or shall be in a single fillable or refillable container of at least 32 oz. capacity. However, bottled craft beers that are exclusively produced in bottles greater than 12 ounces but less than 32 ounces in size shall not be subject to this limitation.
- (n) The facility shall maintain a current, active business license at all times while in operation.
- (o) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (p) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by

reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(r) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located:
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and

services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (2 pages)
Exhibit B (1 page)



Description of Operations Off-Premises Sale of Alcoholic Beverage

Date of Application: 21 Aug 2015	_			
Name of business: THE ROLD MARINER				
Address of business: 2409 A BOWDEN				
Name(s) of business owner(s)*: MICHAEL S	STACKS / JARED TUXILL			
Name(s) of property owner(s)*: JASON T	BAVER HPRUC			
Name(s) of business manager(s)/operator(s): _	MICHAEL STACKS			
Daytime telephone number (75): 541-08	287			
*If business or property owner is partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.				
1. Proposed Hours of Operation: Facility BREWING OFFATIONS Weekday From 0700 And 0 5:00 Pm	Alcoholic Beverage Sales Weekday From N/A To N/A			
Friday From 0700 AMTO 5:00 PM	Friday From N/A To N/A			
Saturday From 0700 Am To 11:00 Am	Saturday From 12.00 To 9:00PM			
Sunday From O 700AnTo 11:00 Am	Sunday From 12:00 To 9:00?M			
 Type of alcoholic beverage applied for: X Beer ☐ Wine ☐ Mixed Beverage 	erage			
3. Alcoholic beverages to be sold: Refi	rigerated			

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

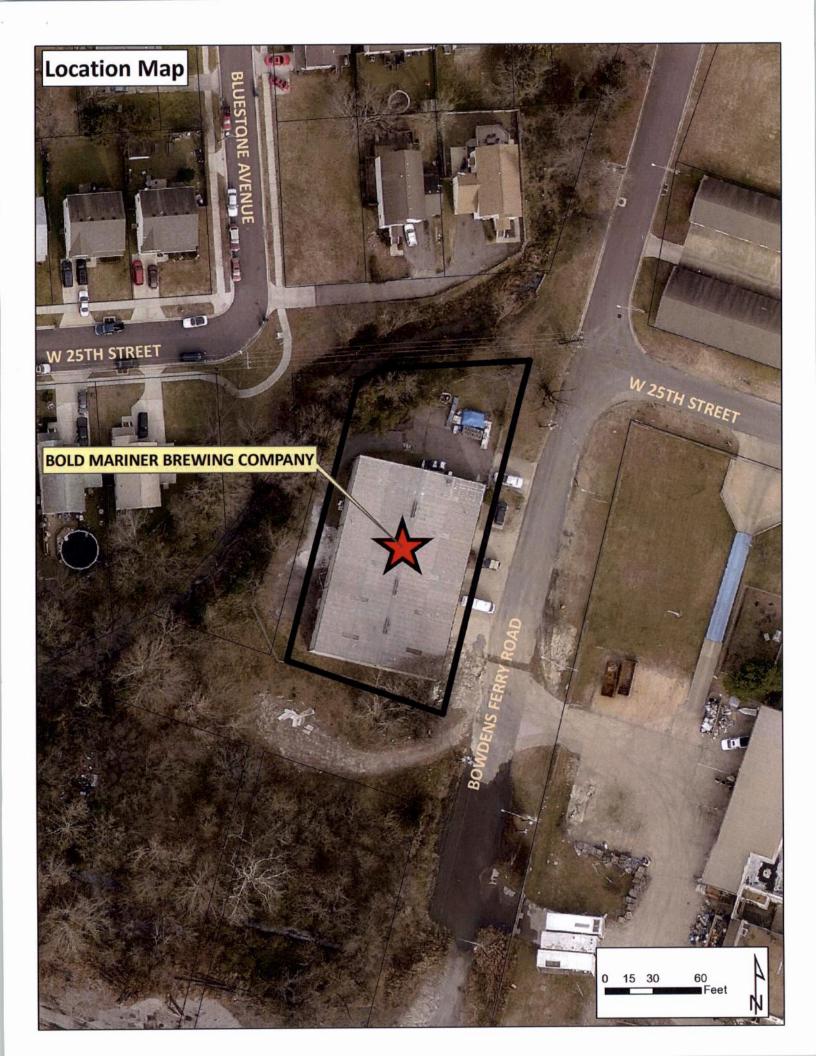
Exhibit A – Page 2 ABC-Off

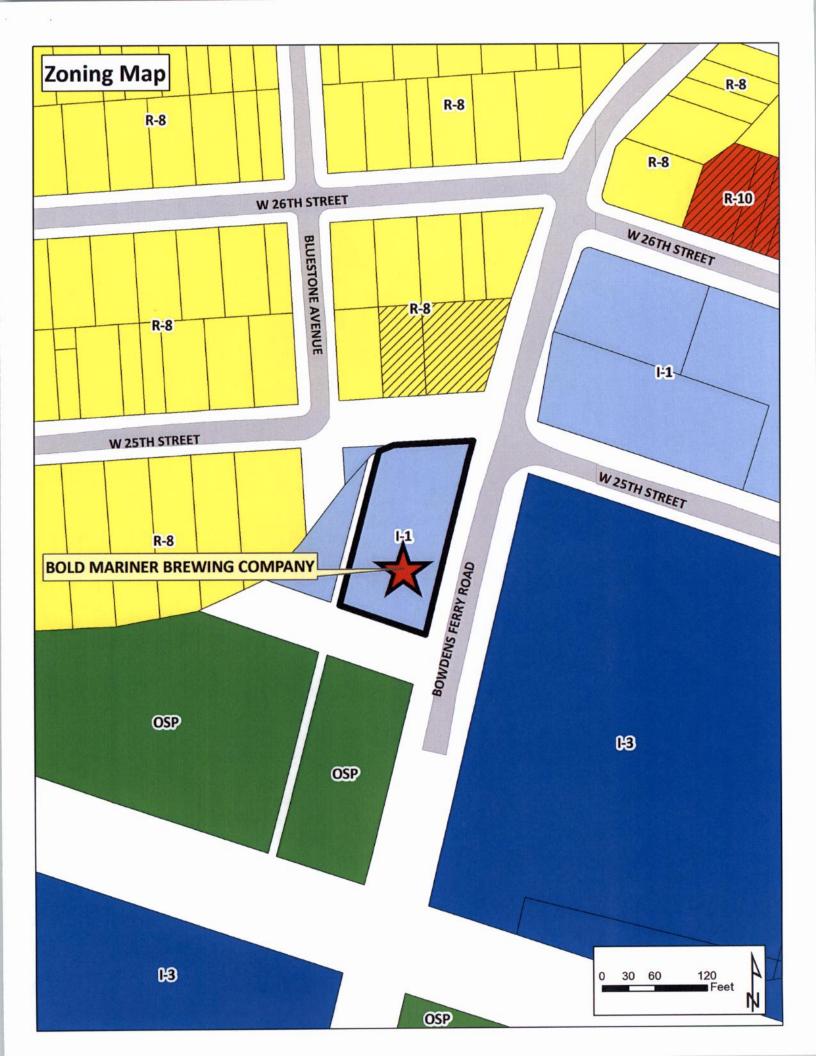
4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

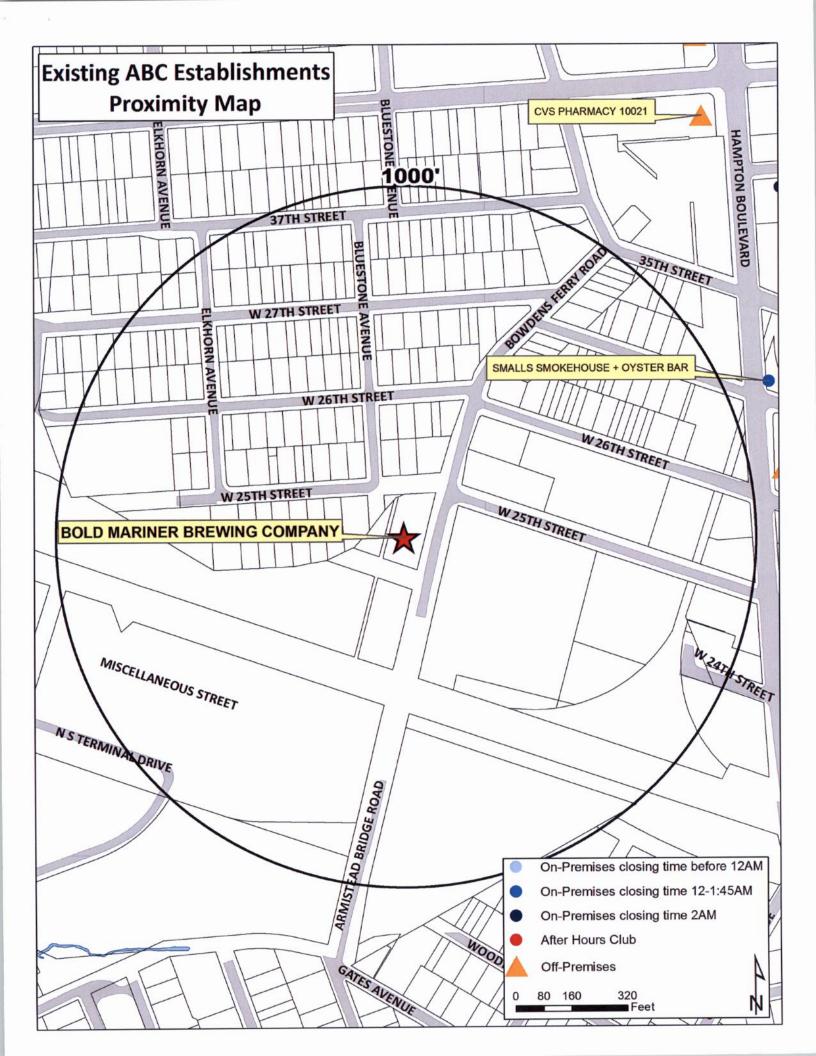
64 02 GROWERS / 16 02 PINT GLASS /8 02 HALF PINTS

Signature of applicant/owner

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)









Special Exception	for: Michobrewary
	Date of application: 9 July 2015
	According to the color of the c
DESCRIPTION OF	Street Number) 2409 a (Street Name) Bowden'S FERY (d
Existing Ose of Fre	John January Company
Current Building Sq	uare Footage 10,000 59.5 "UNITA = 4562"
Proposed Use R	oduce. AND Distruktive beat, ale, or other fermented
MALT beserae	PES: INCLUDING A TASTING FOOM AND THE PETERL
siale of a	coholic howarders for off- Premises Consumption
but which do	es not include the Pielaration of sorvice of food.
	ootage UNIT A 4,562
Proposed Hours of	Operation:
Weekday	From 4:00 pm To 9:00 pm
Friday	From 4:00 fm To 10.00 Pm
Saturday	From 12:00 Pm To 12:00 AM
Sunday	From To
Trade Name of Bus	siness (If applicable) THE BOLD MARINEL FRENING COMPANY

DEPARTMENT OF CITY PLANNING 810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

Special Exception Page 2 (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners) 1. Name of applicant: (Last) STACES (First) MICHAEL (MI) C Mailing address of applicant (Street/P.O. Box): 4708 Colonial Ave (City) Notfalk (State) V/A (Zip Code) 235/08 Daytime telephone number of applicant (757) _ S²II - o²8 7 _ Fax () _____ E-mail address of applicant: MICHAEL, STACLS @ BULDMARINER, COM Fagent is a LLC or a Corp. Thic., include name of official representative and/or all partners)

AM AN ASSOCIATE BROKES IN THE STATE OF VIRGINITY OF THE REAL

STATE COMPANY I HUMBED HENNIGHT (First) MICHAEL (MIN T. Name of applicant: (Last) //TNC/S _____ (First) MICHAEL (MIN T. Mailing address of applicant (Street/P.O. Box): 222 / MUSTAWE TRIAIL ___(Zip Code) 23452 (City) //RGINH /SAACH (State) Daytime telephone number of applicant (%) 486-94// Fax (E-mail address of applicant: MKK VANCK CWILLAM CWOOD: COM I HAVE BEEN A LIKENSED REAL ESTATE BROKER/ASSOCIATE BROKER PROPERTY OWNER SINKE (If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners) 3. Name of property owner: (Last)______(First)_____(MI)____ Mailing address of property owner (Street/P,O, box): (City) _____ (State) ____ (Zip Code) ____

Application

DEPARTMENT OF CITY PLANNING

Daytime telephone number of owner () _____email: ____email:

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Application Special Exception

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